



Docket No.: 252308US0CONT

**OBLON**  
**SPIVAK**

ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/849,814

Applicants: Kenzo YOKOZEKI, et al.

Filing Date: May 21, 2004

For: METHOD FOR PRODUCING TRIPEPTIDES  
AND/OR PEPTIDES LONGER THAN TRIPEPTIDES

Group Art Unit: 1652

Examiner: WALICKA, M. A.

SIR:

Attached hereto for filing are the following papers:

**Comments on Statement of Reasons of Allowance**

Our online credit card payment in the amount of **\$0.00** is being made covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
KENZO YOKOZEKI ET AL : EXAMINER: WALICKA, M. A.  
SERIAL NO: 10/849,814 : ART UNIT: 1652  
FILED: MAY 21, 2004 : ALLOWED: OCTOBER 9, 2007  
FOR: METHOD FOR PRODUCING TRIPEPTIDES AND/OR PEPTIDES LONGER  
THAN TRIPEPTIDES

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Notice of Allowance dated October 9, 2007, Applicants respectfully submit the following comments on the Examiner's statement of reasons for allowance.

In the Examiner's statement of reasons for allowance, the Examiner states "Applicants disclosed a novel enzyme from *Sphingobacterium* sp., having amino acids sequence of SEQ ID NO: 12, wherein the mature form of the enzyme consists of amino acids 21-619. The enzyme is encoded by nucleotides 61-1917 of SEQ ID NO: 11 (its mature form by nucleotides 121-1917)". Although true, Applicants submit that the scope of the claims is broader than these specific sequences. Indeed, the allowed claims permit selection of sequences having substitution, deletion, insertion, and/or addition of one to ten amino acids (see, for example, Claim 1).

Despite the Examiner's error above appearing in the Statement of Reasons for Allowance, Applicants submit that the invention as presently claimed is neither disclosed nor suggested by the cited art. As such, Applicants submit that allowance is proper even if the

Application Serial No. 10/849,814  
Comments on Statement of Reasons for Allowance

Examiner's Statement of Reasons for Allowance improperly reflect the invention as claimed.

Accordingly, Applicants submit that this application may proceed to issuance. Early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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